

CALIFORNIA DEPARTMENT OF INSURANCE
LEGAL DIVISION
Sacramento Compliance Bureau
Elaine A. LaFrance, Esq. SBN 161000
300 Capitol Mall, 17th Floor
Sacramento, California 95814
Telephone: 916 492-3568
Facsimile: 916 324-1883

Attorney for John Garamendi,
Insurance Commissioner

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF CALIFORNIA
SACRAMENTO**

In the Matter of the Application of

DEAN KEITH McADAMS,

Respondent.

File No. LBB 2617-AP
OAH No. L-2005100693

**NOTICE OF REJECTION OF
PROPOSED DECISION**

This matter came for hearing before Daniel Juárez, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California on November 22, 2005. Complainant, the Insurance Commissioner of the State of California, was represented by Elaine A. LaFrance, Staff Counsel for the Department of Insurance. Respondent, DEAN KEITH McADAMS, was present and represented himself.

The Administrative Law Judge submitted his proposed decision, dated December 14, 2005, under the provisions of Section 11517 of the California Government Code, which Proposed Decision is hereby ordered officially filed, and a copy is attached hereto.

The Insurance Commissioner has considered, but has rejected the Proposed Decision and will decide such matters upon the record pursuant to the provisions of subdivision (c)(2)(E) of Section 11517 of the California Government Code.

//

1 In accordance with the above-referenced provision of the California Government
2 Code, and prior to the issuance of a final decision by the Insurance Commissioner:

- 3 1. You are entitled to a copy of the record. You will be
4 required to pay the direct costs of making the copy; and,
- 5 2. You may submit written argument to the Insurance
6 Commissioner.

7 If you want a copy of the record and/or intend to submit written argument to the Insurance
8 Commissioner, please notify the Department, in writing, within 30 days of the date of this notice.

9 If you do not reply to this notice in writing within 30 days of the date set forth below, the
10 Insurance Commissioner will decide the case upon the record, and will issue his decision without
11 further notice to you.

12 The Insurance Commissioner must issue his decision in this matter not later than 100 days
13 after the date of this Notice of Rejection unless the transcript of the hearing is ordered. If the
14 transcript is ordered the decision must be issued not later than 100 days after the Insurance
15 Commissioner receives the transcript.

16 You may authorize the Insurance Commissioner to decide the case upon the record,
17 without including the transcript of the hearing. If you desire to do so, please notify the
18 Department in writing within 30 days of the date of this notice.

19 You may request that the Insurance Commissioner reconsider this Decision, pursuant to
20 California Government Code Section 11521. The power to order a reconsideration shall expire
21 30 days after the delivery or mailing of a decision to a respondent, or on the date set by the
22 agency itself as the effective date of the decision if that date occurs prior to the expiration of the
23 30-day period or at the termination of a stay of not to exceed 30 days which the agency may grant
24 for the purpose of filing an application for reconsideration. If additional time is needed to
25 evaluate a petition for reconsideration filed prior to the expiration of any of the applicable
26 periods, an agency may grant a stay of that expiration for no more than 10 days, solely for the
27 purpose of considering the petition.

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

This Decision shall be effective thirty (30) days from the date of this order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal, this

9th day of February, 2006 .

JOHN GARAMENDI
Insurance Commissioner

By: /S/
CONNIE M. PERRY
Deputy Chief Counsel